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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
SHIMIZU et al. :
Serial No. 09/403,429 : Group Art Unit 1615
Filed on October 20, 1999 : Examiner TRAN,S
For RAPIDLY DISINTEGRABLE SOLID PREPARATION

DECLARATION UNDER 37 CFR §1.132

Honorable Commissioner of Patent and Trademarks,
Washington, D.C.
Sir,

I, Yasuo Ohno, declare:

That I am a citizen of Japan residing at 3-4-15-410, Tagawa,
Yodogawa-ku, Osaka, Japan;

That I was born on December 3, 1950 in Yamaguchi Prefecture, Japan;

That I graduated from Fukui Prefectural Takefu Engineering High
School in March 10, 1969 ;

That I have been employed by Takeda Chemical in 1969 and was
engaged in chemical synthesis and research and development of
pharmaceutical formulations;

That I have been engaged in research and development in the Health
Care Research Laboratories of Consumer Healthcare Internal Company of
said company since 1997 ;

That I have been appointed Assistant Research Head of in said
Company;

That I am a co-inventor of U.S. Patent No. 5,958,453, entitled "Solid
Pharmaceutical Preparation with Improved Buccal Disintegrability and/or
Dissolubility";

That I have read and understood U.S. Patent Application Serial No.
09/403,429, and the Office Action dated October 2, 2001;

That the hydroxypropylcellulose content of the low substituted
hydroxycellulose (L-HPC) utilized in Comparative Examples 3, 4 and 5 was

10.0 % by weight or more to less than 12.9% by weight of hydroxypropyl groups;

That preparations including L-HPC, as illustrated by Comparative Examples 3, 4 and 5 were far less effective than the preparations of the invention of the '453 patent which did not include any L-HPC, as evidenced by the buccal dissolution time as reported in Tables 2, 4 and 6;

That from the teaching of the '453 reference, there would have been no reasonable expectation of success in the use of L-HPC having 5% by weight or more to less than 7% by weight of hydroxypropyl groups.

It is declared by the undersigned that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 21st day of November, 2001

Yasuo Ohno
Yasuo Ohno